



New Mexico Statewide Water Quality Management Plan

Briefing for the New Mexico Water
Quality Control Commission

January 18, 2002

New Mexico Environment Department
Surface Water Quality Bureau

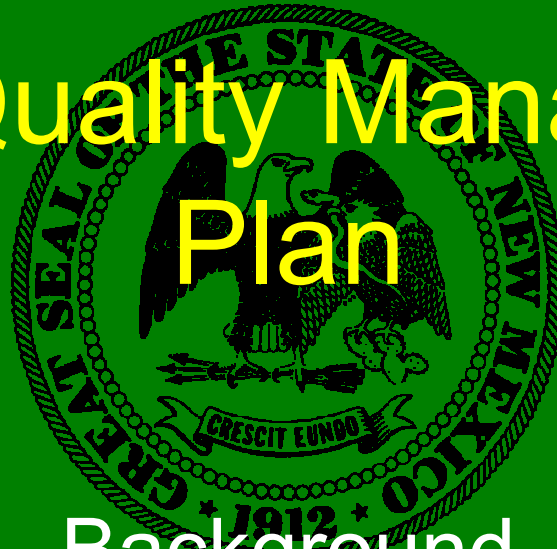


Topics

- Background
- Brief Review of “Current” Water Quality Management Plan (WQMP)
- WQMP Requirements
- Update Strategy
- Update Contents
- Process for Updating the WQMP



Water Quality Management Plan



Background



Purpose

- “The central purpose of this program is the development and implementation of State Water Quality Management Plans so the longer range goals of the Federal Water Pollution Control Act (aka the Clean Water Act (CWA)) can be met. To achieve these goals, it will be necessary to develop a ... process at the State and local level that assures continuous planning for and implementation of pollution control measures.”

Guidelines for State and Areawide Water Quality Management Program Development



Purpose cont'd

- Management plans should meet two principal mandates of the Act
 - the determination of effluent limitations needed to meet applicable water quality standards including the requirement to at least maintain existing water quality (CWA §303)
 - development of State and areawide management programs to implement abatement measures for all pollutant sources (CWA §208)



Objectives

- Principal objective of the CWA (§101)
 - “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”
- To achieve the objective (CWA §101)
 - “it is the national goal that wherever attainable, ... water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water...(shall) be achieved”



Objectives cont'd

- To meet the objective
 - “it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each state.”
- A state WQMP is or may be used to:
 - define water quality standards to implement goals of the Act, determine allowable standards pursuant to §303, to develop plans for pollution abatement (§208(b)) and select management agencies to implement the plan (§208 (c)).



State Authorities

- The New Mexico Water Quality Act

- §74-6-3

- WQCC Created

- E. The Commission is the state water pollution control agency for this state for all purposes of the federal Act

- The New Mexico Water Quality Act

- §74-6-4

- Duties and Powers of the Commission – The Commission ...

- B. shall adopt a comprehensive water quality management program and develop a continuing planning process



Federal Authorities

- CWA § 303(e)
 - The Continuing Planning Process
 - last updated by the WQCC in July of 1998
 - sets forth the Process for Updating and Maintaining the Statewide Water Quality Management Plan
- CWA § 208
 - The Statewide Water Quality Management Plan
 - addresses
 - regional wastewater management
 - nonpoint sources of water pollution



Water Quality Management Plan

Brief Review of “Current” WQMP





Purpose of Update

- The WQMP has many elements that:
 - are very outdated (some >20 years old)
 - are “inactive” or no longer applicable
 - have been replaced or addressed by other programs
 - have been updated but not formally incorporated into the comprehensive document



Scope of current WQMP

- 13 Work Elements (W.E.s)

- W.E.s* discuss:
 - 47 agencies or committees (State, Federal, Local)
 - 70 identified strategies

* Elements are numbered 1-14 but there is no Work Element 12

- W.E. 13

- Designated Management Agencies
 - 87 municipalities
 - 4 state agencies
 - 11 water & sanitation districts
 - 2 counties
 - 2 tribes
 - numerous strategies



Water Quality Management Plan

Requirements





WQMPs

- 40 CFR 130.6(a)
 - WQMPs consist of initial plans produced in accordance with CWA §§ 208 and 303(e)
 - planning shall be based upon WQMPs and water quality problems identified in the latest §305(b) reports
 - should focus annually on priority issues and geographic areas ... etc.



Plan Use

- 40 CFR 130.6(b) -- plans:
 - direct implementation
 - draw on assessments to identify priority point and nonpoint water quality problems
 - consider alternative solutions
 - recommend control measures
 - including financial and institutional



Required Elements

9 Elements are required pursuant to 40 CFR 130.6(c)

- | | |
|---|----------------------------|
| 1) Total Maximum Daily Loads | 5) Management Agencies |
| 2) Effluent Limitations | 6) Implementation Measures |
| 3) Municipal & Industrial Waste Treatment | 7) Dredge or Fill Program |
| 4) Nonpoint Source Management | 8) Basin Plans |
| | 9) Ground Water |



Updating

- 40 CFR 130.6(e)
 - ... plans shall be updated as needed to reflect changing water quality conditions, results of implementation actions, new requirements or to remove conditions ...
 - [EPA] Regional Administrators may require that State WQM plans be updated as needed



Water Quality Management Plan

Update Strategy





Update Strategy

- Step 1
 - Request WQCC formally retire Work Elements already identified in the CPP as inactive
- Step 2
 - Request WQCC formally remove other inactive and/or non-required Work Elements



Update Strategy

- Step 3
 - Renumber Required Elements to Correspond to 40 CFR 130.6(c)(1) – (c)(9)
- Step 4
 - WQCC Review & Approval on updates to required Elements
- Step 5
 - Submit to EPA for Approval



Step 1 – Retire Work Elements Already Identified as Inactive by the WQCC in the CPP

- 1998 CPP Lists Inactive Work Elements Now Covered by Other Programs
 - W.E. 4 Nonpoint Sources
 - W.E. 7 Municipal Waste Treatment Systems Needs
 - W.E. 8 Industrial Waste Treatment System Needs
 - W.E. 9 Ground Water Control Needs
 - W.E. 10 Urban Storm Water Runoff



Step 1 (cont'd)

- CPP states:
 - some of these (inactive) elements are being actively pursued under the NM Nonpoint Source Management Program or under other programs, and on some no future work is anticipated ... all work elements ... remain part of the Statewide Water Quality Management Plan until formally removed by an update.



Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements

- The NMED SWQB recommends retiring the following W.E.s in addition to those Identified by the WQCC in the CPP
 - W.E. 1 Planning Area Boundaries
 - W.E. 2 Asses. of Stream Seg. Classification
 - W.E. 2.5 Trout Hatcheries
 - W.E. 3 Population Projections
 - W.E. 5.2 Computer Model of N & P Transport in Middle Rio Grande

Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements (cont'd)



- W.E. 5.3 Study of Bio. Availability of N & P (Cochiti to E. Butte)
- W.E. 7.2 Albuq. Metro Area Wastewater Mngmt.
- W.E. 7.3 Rural Sewage
- W.E. 8 Industrial Waste Treatment Study
- W.E. 9.1 Evaluation of Relationship between Solid Waste and Ground Water Regulations
- W.E. 9.2 Grants Mineral Belt Monitoring Program

Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements (cont'd)



- W.E. 9.3 Uranium Industry Activities
- W.E. 9.4 Development of Ground Water Quality Database
- W.E. 10 Urban Stormwater Runoff
- W.E. 11 Public Participation Program
- W.E. 14 Implementation Schedules

Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements (cont'd)



- Examples of Reasons to Retire these Work Elements:
 - some are simply outdated
 - some were completed but never “taken off the books”
 - none are required by federal regulation

Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements (cont'd)



- Examples of Reasons to Retire:
 - some aspects have been taken over by other planning activities (e.g., CPP or Nonpoint Source Management Program)
 - retirement is not the death knell for worthy ideas, (e.g. public participation). At a later date current realistic work elements may be incorporated as appropriate.



Step 3 – Rename / Reorder Required Work Elements

- New Work Element Titles:
 - (correspond to 40 CFR 130.6(c))
 - W.E. 1 Total Maximum Daily Loads
 - 40 CFR 130.6(c)(1)
 - W.E. 2 Effluent Limitations
 - 40 CFR 130.6(c)(2)
 - W.E. 3 Municipal and Industrial Waste
 - 40 CFR 130.6(c)(3)



Step 3 – Rename / Reorder Required Work Elements (cont'd)

- W.E. 4 Nonpoint Sources
 - 40 CFR 130.6(c)(4)
- W.E. 5 Management Agencies
 - 40 CFR 130.6(c)(5)
- W.E. 6 Implementation Measures
 - 40 CFR 130.6(c)(6)



Step 3 – Rename / Reorder Required Work Elements (cont'd)

- W.E. 7 Dredge or Fill Program
 - 40 CFR 130.6(c)(7)
- W.E. 8 Basin Plans
 - 40 CFR 130.6(c)(8)
- W.E. 9 Ground Water
 - 40 CFR 130.6(c)(9)

Step 4 - WQCC Review & Approval on updates to required Elements



- January 18 submittal includes complete updated draft WQMP
- WQCC review and public participation start January 18
- Update of public participation process will be provided at March WQCC meeting
- Public comment period will close March 19
- April WQCC meeting for approval (tentative)



Step 5 - Submit to EPA for Approval

- Following WQCC approval final document submitted to EPA for approval



Water Quality Management Plan

Activities for Updating and
Maintaining the Statewide Water
Quality Management Plan



Update Process

- Summary -

- The WQCC's *1998 Continuing Planning Process* Document Outlines the WQCC's Process for Updating the WQMP
 - Preliminary EPA Review
 - Public Participation
 - Administrative Updates
 - Formal Updates
 - Adoption & Approval



Update Process

-Preliminary EPA Review-

- Correspondence with EPA
 - April 9, 2001 Letter to EPA Outlines NMED-SWQB's Comprehensive Approach
 - September 28, 2001 electronic transmittal to EPA of preliminary draft – requesting comment
 - October 29, 2001 EPA letter to SWQB – provides comments
 - December 5, 2001 SWQB letter to EPA – response to comments w/ revised preliminary draft
 - December 21, 2001 – EPA Technical Acceptance Letter



Update Process

-Public Participation & Review-

- Start of public comment period with January 18 transmittal
- Public comment period (60 day) begins January 18
- Proposed changes posted on NMED Website
- Public Notices mailed to: WQCC, TMDL Development, Nonpoint Source Task Force, and Acequia Association mail lists



Update Process

-Public Participation & Review-

- Newspaper Notice publications
 - *Albuquerque Journal*
 - *Santa Fe New Mexican*
 - *Farmington Daily Times*
 - *Las Cruces Sun News*
 - *Roswell Daily Record*
- 4 public meetings scheduled
 - Las Cruces (February 4, 2002)
 - Roswell (February 5, 2002)
 - Santa Fe (February 6, 2002)
 - Farmington (February 8, 2002)



Update Process

-Public Participation & Review-

- During this period the public may request a formal public hearing
- A hearing must be scheduled if written requests indicate and the WQCC determines “significant public interest”
 - if a hearing is held, a 45-day notice is required
- Adoption & Approval
 - WQCC adoption
 - Submittal to EPA by Governor or designee
 - EPA review & approval